

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN  
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

Case No. 07-Civ-1215 (SJF)(ETB)

v.

**DECLARATION OF  
KENNETH A. NOVIKOFF,  
ESQ.**

INCORPORATED VILLAGE OF OCEAN BEACH;  
MAYOR JOSEPH C. LOEFFLER, JR., individually and in  
his official capacity; former mayor NATALIE K.  
ROGERS, individually and in her official capacity,  
OCEAN BEACH POLICE DEPARTMENT; ACTING  
DEPUTY POLICE CHIEF GEORGE B. HESSE,  
individually and in his official capacity; SUFFOLK  
COUNTY; SUFFOLK COUNTY POLICE  
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT:  
OF CIVIL SERVICE; and ALISON SANCHEZ,  
individually and in her official capacity,

Defendants.

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Kenneth A. Novikoff, Esq., declares under penalty of perjury pursuant to 28 U.S.C. §  
1746 as follows:

1. I am a Partner of Rivkin Radler LLP, attorneys for Defendants, Incorporated Village of Ocean Beach, Mayor Joseph C. Loeffler, Jr., individually and in his official capacity, former mayor Natalie K. Rogers, individually and in her official capacity, and the Ocean Beach Police Department, (collectively "Village Defendants"), in this matter, and as such, I am fully familiar with the facts and circumstances set forth herein. I respectfully submit this Declaration in support of the Village Defendants' motion seeking an Order by this Court: (1) pursuant to Fed.R.Civ.P. 54(d)(2)(A) requiring plaintiffs, jointly and/or severally, to compensate the Village Defendants for their reasonable attorneys fees with regard to plaintiffs' §§ 1983, 1985 and 1986

claims for relief alleging violations of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, since the Village Defendants were the “prevailing party” pursuant to 42 U.S.C. § 1988; (2) pursuant to Fed.R.Civ.P. 54(d)(2)(A) requiring plaintiffs, jointly and severally, to compensate the Village Defendants for their reasonable attorneys’ fees with regard each and every claim under §§ 1983, 1985 and 1986 asserted against Mayors Rogers and Loeffler in their individual capacities, since they were “prevailing parties” pursuant to 42 U.S.C. § 1988; (3) imposing sanctions against the law firm of Thomson, Wigdor & Gilly, and/or each plaintiff, pursuant to 28 U.S.C. § 1927, as it pertains to the filing and/or continued prosecution of: (a) their §§ 1983, 1985 and 1986 claims for relief based upon the alleged violation of the Fourteenth Amendment to the United States Constitution; (b) each and every claim under §1983, 1985 and 1986 asserted against Mayors Loeffler and Rogers in their individual capacities; (c) the New York State Labor Law § 740 claim, and; (d) the claim based upon the alleged “termination in violation of public policy”, and; (4) imposing sanctions against the law firm of Thomson, Wigdor & Gilly, and/or each plaintiff, pursuant to this Court’s inherent authority, as it pertains to the filing and/or continued prosecution of: (a) their §§ 1983, 1985 and 1986 claims for relief based upon the alleged violation of the Fourteenth Amendment to the United States Constitution; (b) each and every claim under §1983, 1985 and 1986 asserted against Mr. Loeffler and Ms. Rogers in their individual capacities; (c) the New York State Labor Law § 740 claim, and; (d) the claim based upon the alleged “termination in violation of public policy.”

2. Annexed hereto as Exhibit “1” is the Village Defendants’ counsel’s letter to Plaintiffs’ counsel dated April 15, 2008;

3. Annexed hereto as Exhibit “2” is Plaintiffs’ counsel’s letter to the Village Defendants’ counsel dated May 6, 2008;

4. Annexed hereto as Exhibit “3” is the Village Defendants’ counsel’s letter to plaintiffs’ counsel dated June 15, 2009;

5. Annexed hereto as Exhibit “4” is the Village Defendants’ counsel’s letter to Plaintiffs’ counsel dated June 24, 2009, and;

6. Annexed hereto as Exhibit “5” is Plaintiffs’ counsel’s letter to Your Honor dated February 9, 2010.

Dated: Uniondale, New York  
April 25, 2011

/s/  
Kenneth A. Novikoff (KAN-0350)